UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF NEW YORK

JUDGMENT IN A CIVIL CASE

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Plaintiff

vs. CASE NUMBER: 6:10-CV-257 (NAM/GHL)

Judge Hurd

Defendant

Decision by Court. This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED

That the Report and Recommendation of Magistrate Judge George H. Lowe is adopted in its entirety, further ordered that Plaintiff's complaint is dismissed without leave to amend. Judgment is entered in favor of the defendant and this civil action is closed.

All of the above pursuant to the order of the Honorable Chief Judge Norman A. Mordue, dated the 30th day of March, 2010.

DATED: March 30, 2010

s/

Joanne Bleskoski Deputy Clerk

Clerk of Court